



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/632,140	08/03/2000	Roger P. Hoffman	P/2-72	1313

7590 09/16/2003

PHILIP M. WEISS, ESQ.
WEISS & WEISS
310 OLD COUNTRY ROAD
SUITE 201
GARDEN CITY, NY 11530

EXAMINER

PATTERSON, MARC A

ART UNIT

PAPER NUMBER

1772

DATE MAILED: 09/16/2003

B

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/632,140	HOFFMAN, ROGER P.
	Examiner	Art Unit
	Marc A Patterson	1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 21 May 2003.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-4 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-4 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4) Interview Summary (PTO-413) Paper No(s). 14 .

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____ .

DETAILED ACTION

WITHDRAWN REJECTIONS

1. The 35 U.S.C. 102(b) rejection of Claims 1 – 4 as being anticipated by Hoffman (U.S. Patent No. 5,882,746), of record on page 2 of the previous Action, are withdrawn.

NEW REJECTIONS

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 – 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Merdem et al (U.S. Patent No. 5,057,359) in view of Cooper (U.S. Patent No. 5,002,186) and further in view of Arneson (U.S. Patent No. 4,128,169).

With regard to Claim 1, Merdem et al. disclose a laminated carton (column 3, lines 16 – 40) comprising a box (carton; column 3, lines 16 – 40) comprising a folded, secured composite sheet (laminate; column 3, lines 16 – 40); the sheet comprises a layer of unbleached paperboard (therefore a layer of unbleached cellulosic fibers; column 3, lines 16 – 57) having an inner surface and outer surface (paperboard; column 3, lines 16 – 40), an outer layer of greaseproof paper (therefore a separately formed paper having an inner surface and outer surface; column 3, lines 16 – 40), and adhesive between the inner surface of the outer layer and the outer surface of the inner layer, and serving to bond the

outer layer to the inner layer (the adhesive comprises polyolefin layers; column 3, lines 16 – 40); polyolefin layers are also laminated to the inner surface of the inner layer and outer surface of the outer layer (column 3, lines 49 – 67). With regard to the claimed aspect of the paper layers being ‘uncorrugated,’ Merdem et al do not disclose corrugation; the claimed aspect of the paper layers being ‘uncorrugated’ therefore reads on Merdem et al. Merdem et al fail to disclose a carton which is a beverage carrier and a layer having printed graphics disposed on its outer surface.

Cooper teaches that it is well – known in the art to use a paperboard carton as a beverage carrier, for the purpose of obtaining a container which holds beverage containers tightly (column 1, lines 10 – 24). The desirability of providing for a paperboard carton which is a beverage carrier in Merdem et al, which is a carton, would therefore be obvious to one of ordinary skill in the art.

Arneson teaches that it is well – known in the art to print the outer surface of a beverage carrier, for the purpose of displaying instructions regarding the containers (column 5, lines 42 – 52).

It therefore would have been obvious for one of ordinary skill in the art at the time Applicant’s invention was made to have provided for the use of the paperboard carton as a beverage carrier in Merdem et al in order to obtain a container which holds beverage containers tightly as taught by Cooper and to have provided for a beverage container having a printed outer surface in order to display instructions regarding the containers as taught by Arneson.

Art Unit: 1772

With regard to Claim 2, Merdem et al disclose the use of unbleached Kraft paper as the material of the paperboard (column 3, lines 49 – 58); the claimed aspect of the Kraft paper comprising ‘unbleached virgin Kraft pulp’ therefore reads on Merdem et al.

With regard to Claim 3, the beverage carrier further comprises a layer of water absorbent material (air) disposed on the inner surface of the inner layer.

With regard to Claim 4, the beverage carrier comprises a film of water resistant adhesive (the innermost polyolefin layer) bonding the absorbent material to the base layer.

ANSWERS TO APPLICANT'S ARGUMENTS

4. The attached interview summary discusses Applicant's arguments by telephone regarding the U.S.C. 102(b) rejection of Claims 1 – 4 as being anticipated by Hoffman (U.S. Patent No. 5,882,746), of record on page 2 of the previous Action. The rejections are withdrawn. The new 35 U.S.C. 103(a) rejection of Claims 1 – 4 as being unpatentable over Merdem et al (U.S. Patent No. 5,057,359) in view of Cooper (U.S. Patent No. 5,002,186) and further in view of Arneson (U.S. Patent No. 4,128,169) above is directed to Claims 1 – 4.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc Patterson, whose telephone number is (703) 305-3537. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by phone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached at (703) 308-4251. FAX communications should

Art Unit: 1772

be sent to (703) 872-9310. FAXs received after 4 P.M. will not be processed until the following business day.

Marc A. Patterson, PhD.

Marc Patterson

Art Unit 1772

Harold Pyon
HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

8/25/03